

Responsiveness Summary for Comments on Draft Director's Rule SW-405.2

"Waste Diversion Report Submittal Process"

Comments from:

- Seattle Department of Planning and Development – 9/4/13 and 9/24/13 E-mails
 - Construction & Demolition Recycling Association – letter (9/23/13)
 - Lautenbach Recycling – letter (9/24/13)
- 1) Section 2 Definition for "Building Permit Applicant – change to *"financially responsible party of the building permit application with contact information"* and under Section 3 A change reference to the DPD Intake Desk to *"DPD Applicant Services Center"*.
The suggested changes will be made in the Final Rule
 - 2) Under 3A make a separate bulleted point *"how many pounds, cubic yards or tons of materials were delivered to each facility and add to it how many units/items in the case of reuse and salvage destinations."*
The suggested change will be made in the Final Rule.
 - 3) Exceptions – If an applicant submits only an electrical or mechanical permit, not a construction permit, will they be required to submit a Waste Diversion Report to SPU? You might want to consider what DPD is proposing for the construction codes where the requirement to submit a Waste Diversion Plan applies to permitted projects greater than 750 square feet.
An Exceptions section will be added to the Final Rule that applies to "site development", "grading" or "temporary" construction permits as well as building construction projects where the permit value is less than \$30,000 as determined by DPD. This permit value threshold is roughly equivalent to the 750 square foot threshold that the new Building Code has for submittal of a Waste Diversion Plan by all applicants. This exception does not apply to demolition permits.
 - 4) Require contractors have in place a waste management plan before issuing the building permit.
The Seattle City Council has recently approved updates to the Building Code and Residential Building Code that require a waste diversion plan for all projects over 750 square feet and in addition, a salvage assessment for all demolition or partial demolition projects. Those requirements will be handled by the Seattle Department of Planning and Development (DPD) prior to a permit being issued. The format of the Waste Diversion Plan will be similar to that of the Waste Diversion Report and applicants will be instructed to keep all weight receipts and documents related to the hauling as well as the receiving and recycling facilities used for their project.

- 5) The civil penalty provision of \$250 may be too low to be effective. Some jurisdictions with deposit requirements also establish forfeiture of the deposit which varies with the size and type of project. Establish a range of \$250, not to exceed \$1,000 in order to be effective.

The civil penalty of \$250 for failing to submit a Waste Diversion Report or using facilities not on the City's list of certified facilities without documentation about those unlisted facilities actually reaches around \$500 when statutory assessments are included.

- 6) Does Seattle have a recycling rate goal that can be woven into a required demonstration in the Waste Diversion Report?

Seattle has adopted a 70% recycling goal for construction waste Citywide by 2020 as part of its Comprehensive Solid Waste Management planning process. There are not recycling targets set for different types of construction and demolition projects. The City considered setting mandatory goals for different types of projects (as well as a deposit system) in 2007-2011 but this was opposed by the major construction trade associations as burdensome on individual builders and less effective for total diversion.

The City adopted a recycling strategy built upon landfill disposal bans, certifying the receiving and recycling facilities as being in compliance with those disposal bans and requiring a Waste Diversion Report be submitted within 60 days of the project developer receiving final inspection. The focus on disposal bans, built on years of supporting voluntary efforts, is consistent with other City solid waste programs.

Seattle Department of Planning and Development will also be requiring a Waste Diversion Plan and salvage assessment prior to developers receive a permit.

In 2012 Seattle projects recycled around 60% of construction and demolition waste and another 4% was "beneficially used" as industrial boiler fuel. We do not count "alternative daily cover" as recycling or beneficial use. A reference to Seattle's policy initiatives can be found at www.seatt.gov/util/CDWasteManagement.

- 7) A refundable deposit system varying on the size of the project is an effective mechanism for obtaining project recycling goals set when the Waste Diversion Plan is submitted (such as 50%). Seattle considered implementing a deposit system similar to those found in many California municipalities such as San Jose and San Diego. While they are certainly effective, they have very high administrative costs. Mandates or landfill disposal bans were deemed as alternative recycling approaches that required fewer administrative office resources and had more of a focus of what was actually happening at the receiving and recycling facilities.